UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT SEATTLE

PETER J. McDANIELS,

Plaintiff,

v.

BILL ELFO, et al.,

Defendants.

C12-1289 TSZ-MAT

ORDER

The Court, having reviewed plaintiff's objections, docket no. 187, which are treated as a motion for reconsideration of the Order entered on June 11, 2013, docket no. 171, as amended on August 26, 2013, docket no. 197, <u>see</u> Order (docket no. 189), and having reviewed the Report and Recommendation of Mary Alice Theiler, United States Magistrate Judge, docket no. 215, and the objections thereto of moving defendants, docket no. 216, and of plaintiff, docket no. 219, does hereby find and ORDER:

(1) Plaintiff's motion for reconsideration, docket no. 187, is DENIED; <u>see</u>

<u>Entler v. McKenna</u>, 487 Fed. Appx. 417, 418 (9th Cir. 2012) ("The district court properly dismissed Entler's § 1983 claim for alleged interference with his right to access public documents because there is no constitutional right to public disclosure of government documents." (citing <u>Houchins v. KQED, Inc.</u>, 438 U.S. 1 (1978)));

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- (2) The Court ADOPTS the Report and Recommendation ("R&R"), docket no. 215, with the following modifications: with regard to plaintiff's conditions of confinement claims, the Court's adopts the R&R's recommendation to grant summary judgment in favor of defendants as to all but two of these claims on the ground that plaintiff has failed to present evidence that the condition at issue occurred or was imposed for the purpose of punishment; the Court makes no ruling concerning whether the absence of corroborating evidence of plaintiff's allegations would also justify summary judgment against him;
- (3) Defendants' Motion for Summary Judgment Regarding Conditions of Confinement and Medical Claims, docket no. 157, is GRANTED in part and DENIED in part, as detailed below:
 - Plaintiff's medical treatment claims are DISMISSED with prejudice; (a)
 - (b) With the exceptions set forth in Paragraph 3(c), below, plaintiff's conditions of confinement claims are DISMISSED with prejudice; and
 - (c) Plaintiff's conditions of confinement claims relating to illumination in his cell and nutrition provided by the jail remain to be adjudicated; and
- (4)The Clerk is directed to send copies of this Order to plaintiff pro se, to counsel for defendants, and to Magistrate Judge Theiler.

Dated this 19th day of February, 2014.

THOMAS S. ZILLY

United States District Judge

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